

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/660,785
Applicant : Joern MOECKEL et al
Filed : September 12, 2003
TC/A.U. : 1615
Examiner : James M. Spear

Docket No. : 2924-216
Customer No. : 06449
Confirmation No. : 5867

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The owner, Roche Diagnostics GmbH has a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent No. 6,143,326. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

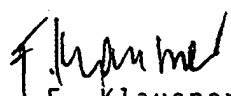
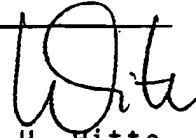
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as

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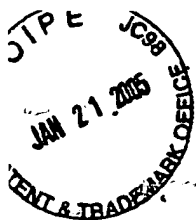
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under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Roche Diagnostics GmbH

By: _____
Signature  
Typed Name: F. Klausner H. Witte
Typed Title: Authorised Signatories
Date: January 18, 2005

MCK/cb



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**REQUEST FOR RECONSIDERATION AND
SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed October 20, 2004, the applicants hereby submit a Terminal Disclaimer in the above application. Kindly charge our deposit account number 02-2135 for the Terminal Disclaimer fee of One Hundred Thirty Dollars (\$130).

The only issue in the outstanding Office Action was the rejection of claims 21-41, on obviousness type double patenting basis over claims 1-3 of U.S. Patent No. 6,143,326. In view of the Terminal Disclaimer submitted herewith, the rejection is believed moot and should be withdrawn. As there are no other issues remaining in the outstanding Office Action, it is believed that this application is in proper condition for allowance, and early notice to that effect is awaited.